

## 37 Am. Jur. 2d Fraud and Deceit § 179

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### Fraud and Deceit

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#### IV. False Representations

##### G. Representations and Statements as to Particular Matters

##### 3. Value, Cost, and Income of Property

##### b. Cost or Price Paid, Offers, Etc.

## § 179. Sale price of other property in neighborhood

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Fraud](#)  27, 28

As a general rule, false statements made by an owner or the owner's agent in connection with a transaction concerning real property, as to the price for which other property in the neighborhood has sold, where made as a statement of fact and justly relied upon by the representee to the representee's injury, constitute misrepresentation of a material fact, amounting to fraud, which entitles the representee to appropriate relief.<sup>1</sup> This rule has been applied to such false statements made by a vendor or the vendor's agent,<sup>2</sup> and by an exchanger of property.<sup>3</sup> Statements concerning the sale price of other land in a neighborhood, however, may be made in such a manner and under such conditions as to amount only to the expression of an opinion, and such statements by one engaged in acquiring real estate have been regarded as nonactionable "sales talk."<sup>4</sup>

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#### Footnotes

- 1 [Winkler v. Jerrue](#), 20 Cal. App. 555, 129 P. 804 (2d Dist. 1912); [Brody v. Foster](#), 134 Minn. 91, 158 N.W. 824 (1916).
- 2 [Winkler v. Jerrue](#), 20 Cal. App. 555, 129 P. 804 (2d Dist. 1912).
- 3 [Oulton v. McManus](#), 173 N.W. 14 (Iowa 1919); [Brody v. Foster](#), 134 Minn. 91, 158 N.W. 824 (1916).
- 4 [Glass v. City of Binghamton](#), 6 A.D.2d 944, 176 N.Y.S.2d 18 (3d Dep't 1958).

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